

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

In Re: Ohio Valley University

Bk. No.: 22-00056

Debtor

**MOTION TO EMPLOY ATTORNEY FOR THE TRUSTEE**

Comes now Thomas H. Fluharty, Trustee in the above styled matter, applies to the Court for authority to hire Thomas H. Fluharty, Esquire, 408 Lee Avenue, Clarksburg, WV 26301, as attorney for your Trustee, and in support thereof states as follows:

1. That the Debtor, Ohio Valley University filed a voluntary petition for relief under Chapter 7 of the Bankruptcy Code 11 U.S.C. §701 *et seq.*, in the United States Bankruptcy Court for the Northern District of West Virginia.

2. The Trustee believes it is necessary to employ counsel to assist him and to represent him in this proceeding. The Trustee respectfully requests an order approving the employment of Thomas H. Fluharty, Esquire, 408 Lee Avenue, Clarksburg, WV 26301, and believes that counsel has considerable experience in matters of this type and is well qualified to represent the Trustee in these proceedings.

3. The professional services of Thomas H. Fluharty, Esquire, shall be, but not limited to, as follows:

- (a) to prepare on behalf of the Trustee any necessary motions and other pleadings;
- (b) to represent the Trustee at hearings on various motions and proceedings;
- (c) to take all necessary steps to take possession of and liquidate real and personal property; and
- (d) conduct limited examinations of real estate and mineral titles.

4. That Thomas H. Fluharty, Esquire, is an attorney duly admitted to practice in the Courts of the State of West Virginia, is a “disinterested person” as that term is defined in §101 (13) of the Bankruptcy Code, and is qualified to act as attorney in these matters.

5. The fees pertaining to the employment of Thomas H. Fluharty, Esquire, as agreed to by the Trustee, subject to Bankruptcy Court approval, are on an hourly basis of \$350.00 plus necessary costs and expenses. The attorney will make application for final compensation in accordance with local rules and any administrative orders entered by the Court in this proceeding.

**WHEREFORE**, Trustee prays that this court authorize the employment of Thomas H. Fluharty, Esquire, upon the terms and conditions set forth herein above and that he be granted such other and further relief as in equitable and just.

DATED this 7<sup>th</sup> day of March, 2022.

/s/ Thomas H. Fluharty  
Thomas H. Fluharty, Trustee  
WV Bar No.: 1231  
408 Lee Avenue  
Clarksburg, WV 26301  
(304) 624-7832

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**AFFIDAVIT**

I, Thomas H. Fluharty, Esquire, declare:

1. That I am an attorney whose practice is located at 408 Lee Avenue, Clarksburg, West Virginia 26301.
2. That I am experienced in rendering legal services of the same nature for which I am being employed on behalf of the bankruptcy estate.
3. That I am willing to accept employment by the Trustee on the basis set forth in the Motion to Employ filed simultaneously herewith.
4. That I do not have any interest adverse to the Trustee or the Estate herein in regard to the matters for which I am to be employed, and that I am a disinterested person within the meaning of 11 U.S.C. §101(14).

I declare under penalty of perjury that the forgoing is true and correct.

**FURTHER AFFIANT SAITH NAUGHT.**

  
\_\_\_\_\_  
Thomas H. Fluharty, Esquire

STATE OF WEST VIRGINIA,

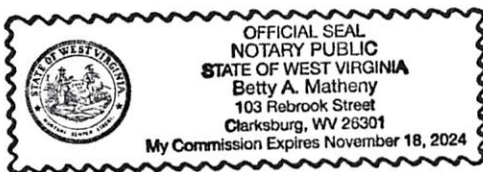
COUNTY OF Harrison, TO-WIT:

Thomas H. Fluharty, Esquire, applicant named in the foregoing application and verification, hereby makes solemn oath that the statements contained herein are true, according to his best knowledge, information and belief.

  
Thomas H. Fluharty, Esquire

Taken, subscribed and sworn to before me on the 7<sup>th</sup> day of March, 2022.

My commission expires November 18, 2024.



(Seal)

  
NOTARY PUBLIC

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **MOTION TO EMPLOY ATTORNEY FOR THE TRUSTEE** was served upon the following individuals, by placing a true and correct copy thereof in the United States mail, postage prepaid, at the addresses listed below, this 7<sup>th</sup> day of March, 2022.

Served electronically on:

Martin P. Sheehan, Esquire  
[sheehanbankruptcy@wvdsi.net](mailto:sheehanbankruptcy@wvdsi.net)  
*Counsel for debtor*

Office of the Assistant U.S. Trustee  
[ustpreion04.ct.ecf@usdoj.gov](mailto:ustpreion04.ct.ecf@usdoj.gov)

/s/ Thomas H. Fluharty  
Thomas H. Fluharty, Trustee